

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FILED  
JAMES BONINI  
CLERK

2004 NOV -1 P 4: 14

DANNY E. HOOKS,

Petitioner,

v.

BETTY MITCHELL, Warden,

Respondent.


Case No. 1:00cv54  
JUDGE WATSON  
Magistrate Judge King

**ORDER**

Petitioner, a prisoner sentenced to death by the State of Ohio, has pending before this Court a habeas corpus action pursuant to 28 U.S.C. §2254. This matter is before the Court upon the memoranda of the parties requesting the dismissal of this case, due to the death of petitioner during the pendency of this action.

Counsel for petitioner filed a notice on October 7, 2004, indicating that petitioner, Danny Hooks, had died during the pendency of this action. In response to a show cause order issued by the Court on October 12, 2004, respondent filed a pleading requesting the Court to dismiss petitioner's action and to enter final judgment closing the case, (doc.no. 60). Counsel for petitioner also filed a pleading confirming petitioner's death and consenting in the dismissal of this case, (doc.no. 61).

Petitioner's death renders this habeas corpus action moot. Accordingly, this habeas corpus action is hereby DISMISSED for mootness. The Clerk is DIRECTED to enter final judgment dismissing this case. Counsel for petitioner is DIRECTED to file with this Court a certificate of death for Petitioner Hooks.

  
MICHAEL H. WATSON  
United States District Judge